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warnings. The mother ultimately died, in a room in which there was no fire, very little bedding or furniture, and little or no food, and the cause of death was certified to be heart failure accelerated by want of food, attention, cleanliness, and warmth. It was contended that the daughter was under no legal responsibility to provide for or look after the mother; but in view of the decision in *Regina v. Instan*, 62 Law J. Rep. M. C. 86; L. R. (1893) 1 Q. B. 450, this contention was overruled and the jury convicted the prisoner.—*London Law Journal*.

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**Court of Appeal.**

Court of Appeal.  
Cozens-Hardy, M. R.  
Buckley, L. J.  
Kennedy, L. J.  
June 1.

*Fitzgerald v. Clarke & Son.*

Master and Servant—Compensation—Injury Caused by Practical Joke  
—‘Arising out of employment’—Workmen’s Compensation Act,  
1906 (6 Edw. VII. c. 58), s. 1.

Appeal from decision of the judge of the Bow County Court sitting as an arbitrator under the Workmen’s Compensation Act, 1906.

The appellant was engaged by the respondents to fill boxes with biscuits. While at work fellow-workmen of the appellant, by way of a practical joke, placed the hook of a crane in his necktie and lifted him from the ground. When lifted about fifty feet the necktie gave way and he fell to the ground, and suffered injuries which made him a cripple for life. The men had been prosecuted and convicted of causing the appellant grievous bodily harm.

The judge considered that the accident had not arisen out of his employment, and that he was not entitled to compensation under the Act.

G. F. Emery for the appellant.

Clavell Salter, K. C., and Stuart Robertson for the respondents.

Their Lordships dismissed the appeal, being of opinion; following *Armitage v. The Lancashire and Yorkshire Railway* (1902), 71 Law J. Rep. K. B. 778; L. R. (1902) 2 K. B. 178, that the accident did not arise ‘out of and in the course of the employment’ of the workman.

Appeal dismissed.

Solicitors: T. A. Capron & Co.; Griffith & Gardiner.

(Reported by A. J. Spencer, Esq., Barrister-at-Law.)

—*London Law Journal*.

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**Acceptance of Rebates.**—The Burlington & Quincy Railway Company, in accordance with its published rates, contracted with the